

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-10792
Conference Calendar

PRESTON BRIGGS,

Plaintiff-Appellant,

versus

JACK HAMPTON, Judge;
JOHN VANCE; MATT FRY,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:95-CV-1040-T

- - - - -
December 20, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that Preston Briggs's motions for leave to proceed in forma pauperis and for appointment of counsel are DENIED, because his appeal lacks arguable merit and is therefore frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, IT IS FURTHER ORDERED that the appeal is dismissed. See 5th Cir. R. 42.2.

Appellant's brief does not challenge the basis of the

* Local Rule 47.5.1 provides: "The publication of opinions that merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

district court's dismissal of his case: that he could not bring a 42 U.S.C. § 1983 suit because the criminal conviction that was challenged had not been reversed, expunged, declared invalid, or called into question by the issuance of a federal writ of habeas corpus. Nor does appellant challenge the district court's determination that Defendants Vance and Hampton are entitled to absolute immunity from suit for damages.

We caution Briggs that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Briggs is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous because they have been previously decided by this court.

MOTIONS DENIED; APPEAL DISMISSED.